

SENATE BILL 992

J3

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By: **Senator Pipkin**

Introduced and read first time: February 22, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Applications for Certificates of Need – Notice to and Involvement of**
3 **Bordering Counties**

4 FOR the purpose of requiring the Maryland Health Care Commission to give notice of
5 the filing of certain applications for a certificate of need to members of the
6 governing body of each county that borders on a certain county; requiring the
7 Commission to define a certain term in a certain manner; and generally relating
8 to the application process for certificates of need.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 19–126(a) and (d)(8)
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 19–126(d)(7)
17 Annotated Code of Maryland
18 (2009 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Health – General**

22 19–126.

23 (a) If the Commission receives an application for a certificate of need for a
24 change in the bed capacity of a health care facility, as required under § 19–120 of this
25 subtitle, or for a health care project that would create a new health care service or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 abolish an existing health care service, the Commission shall give notice of the filing
2 by publication in the Maryland Register and give the following notice to:

3 (1) Each member of the General Assembly in whose district the action
4 is planned;

5 (2) Each member of the governing body for the county where the
6 action is planned;

7 **(3) EACH MEMBER OF THE GOVERNING BODY FOR EACH COUNTY**
8 **THAT BORDERS THE COUNTY WHERE THE ACTION IS PLANNED;**

9 ~~[(3)]~~ (4) The county executive, mayor, or chief executive officer, if
10 any, in whose county or city the action is planned; and

11 ~~[(4)]~~ (5) Any health care provider, third party payor, local planning
12 agency, or any other person the Commission knows has an interest in the application.

13 (d) (7) Any “interested party” may submit written comments on the
14 application in accordance with procedural regulations adopted by the Commission.

15 (8) The Commission shall define the term “interested party” to
16 include, at a minimum:

17 (i) The staff of the Commission;

18 (ii) Any applicant who has submitted a competing application;

19 (iii) Any other person who can demonstrate that the person
20 would be adversely affected by the decision of the Commission on the application;
21 **[and]**

22 (iv) A local health planning agency for a jurisdiction or region in
23 which the proposed facility or service will be located; **AND**

24 **(V) LOCAL HEALTH PLANNING AGENCIES IN EACH COUNTY**
25 **THAT BORDERS THE COUNTY WHERE THE PROPOSED FACILITY OR SERVICE**
26 **WILL BE LOCATED.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.